IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

Crl.MC.No. 2242 of 2006()

C.C.NO.406/06 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PUNALUR.

PETITIONER:
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1. P. BABU, AGED 53 YEARS,
SON OF PONNAYYAN, HCQ 3664, POLICE QUARTERS, IV-A,
DEPOT COMPOUND, KULATHUPUZHA.

2. KOCHUCHERUKKAN, AGED 61 YEARS,
SON OF GOVINDAN, CHARUVILA PUTHEN VEEDU,
DEPOT COMPOUND, KULATHUPUZHA.

BY ADV. SRI.M.RAJASEKHARAN NAYAR
SRI.JOHN K.JOSEPH(SAJAN)
SMT.K.N.RAJANI
SMT.MANJUSHA MOHANDAS

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KULATHUPUZHA POLICE STATION, KOLLAM DISTRICT,
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THANKAMANI, D/O.SREEMATHI AMMA,
CHARUVILA PUTHEN VEETTIL, DEPOT COMPOUND,
KULATHUPUZHA.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 2242 OF 2006

Dated this the 17th day of November, 2006

ORDER

The petitioner is a Police Constable. The allegation against him is that he committed theft of a lamb belonging to his neighbour. He allegedly slaughtered and consumed it. Investigation is complete. Final report has already been filed. Cognizance has been taken. The petitioner has rushed to this Court with the prayer that the proceedings against him may be quashed. What is the ground? According to the petitioner, a false case is foisted against him by the police officials who have prevailed upon the de facto – a gullible woman to raise false allegations against him. Even the husband of the de facto complainant is satisfied about the falsity of the allegation. He has hence filed an affidavit which is produced as Annexure-A9. It is, in these circumstances, that the petitioner wants the proceedings against him may be quashed.

2. At the moment and with the available materials, it appears to be impossible to conclude that the allegations

against the petitioner are false or are vexatiously made. The fact that the petitioner has been proceeded against earlier and acquitted in some other cases cannot also lead the court straightaway to the conclusion that this proceedings is false and vexatious. It is not disputed that even though the husband of the de facto complainant has sworn Annexure-A9 affidavit, the de facto complainant is not willing to do the same. I shall carefully avoid any expression of opinion on the merits of the allegations, lest, it should prejudice the interests of the parties. However, I am satisfied that there is absolutely no satisfactory reason which can prevail upon this Court to invoke the powers under Sec.482 of the Cr.P.C. and prematurely terminate the proceedings against the petitioner. The learned counsel for the petitioner submits that the petitioner, Police Constable, is now under suspension because of this proceeding. In any view of the matter, I am satisfied that a direction can be issued to the learned Magistrate to dispose of the case against the petitioner as expeditiously as possible – at any rate, within a period of four months from the date on which a copy of this order is placed

before the court.

3. In the result, this Crl.M.C. is dismissed; but with the above observations/directions.

4. Hand over a copy of this to the learned counsel for the petitioner for production before the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge